

REMARKS

Applicants have amended claim 17 and added claims 23- 44. Claims 1-16 are canceled. Accordingly, claims 17-44 are pending.

The office action of July 25, 2007 rejected claim 17-22 as anticipated by Roberts, U.S. Patent No. 5,944,684. However, in order to anticipate a claim, the reference must teach every limitation of the claim. The Roberts device was designed for a different purpose from the invention of claims 17-22 and therefore fails to teach all the limitations of claims 17-22, either at the time of the office action or as now amended. Accordingly, the rejection under section 102 was improper and should be withdrawn. At least some of the missing limitations are enumerated below.

First, Roberts fails to disclose a blood filter having a nominal molecular weight cutoff of greater than 150,000 daltons. The office action cites col. 5, lines 62 to col. 6 line 11 for the proposition that the filter of Roberts allows the passage of large molecules including albumin and immunoglobulin. A close reading of these passages reveals the very opposite: Roberts allows small molecules to pass and retains proteins and other large molecules.

Additionally, Roberts teaches dialysis of peritoneal fluid, rather than hemofiltration of blood and accordingly fails to teach the forming of a circuit having a line and a hemofilter capable of being connected to a human's vasculature in a way that allows the purification of blood. Figs. 1-2 of Roberts show a single connecting tube 3, which provides at column 7, lines 42-43, "a pathway from the artificial kidney to the peritoneal catheter." In use, one injects 250-1000 ml of fluid into the peritoneal cavity, and then removes the fluid to the filtration device via a pump 8a. At least part of the two streams created by the filter 10 is stored in a reservoir 14. Later, a pump 8c is used to reintroduce fluid from reservoir 14 into the peritoneum. Column 7, lines 52-67. Thus, unlike the device of claims 17-22, the Roberts device does not have a line adapted to remove and return a portion of the patient's blood, as required by claims 17-22.

Roberts also fails to disclose the fluid source and fluid of claims 17-22.

New claim 23 makes clear that the target receptor molecules can be albumin. For support see page 23, lines 11-12, page 24, lines 10-11, lines 16-17, and lines 21-22.

New method claims have been added. Care has been taken to avoid the introduction of new matter. These claims are supported in the application, including in Fig. 2 and accompanying description, and are similar to the claims in the parent application, 09/858,210, now U.S. Patent No. 6,787,040.

Applicants submit that all claims pending in the application are allowable over the art of record. Early notice to that effect is respectfully solicited. Reconsideration of the application and issuance of a notice of allowance are respectfully requested. It is believed that no month extension of time is required, but Applicants hereby petitions for and request that any extension or other fee required for timely consideration of this application be applied and charged to Deposit Account No. 19-4972. The Examiner is requested to telephone the undersigned if any matters remain outstanding so that they may be resolved expeditiously.

Respectfully submitted,

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